

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----x  
JOHN A. ARETAKIS,

Plaintiff, :

-v- :

10 Civ. 1696 (JSR)

FEDERAL EXPRESS CORPORATION, :

ORDER

Defendant. :

-----x  
JED S. RAKOFF, U.S.D.J.

DOC#	INT
ELECTRONICALLY FILED	
DOC#	3/25/11
DATE FILED: 3/25/11	

On February 28, 2011, the Honorable Kevin N. Fox, United States Magistrate Judge, issued a Report and Recommendation ("Report") in the above-captioned matter recommending that the Court grant, in its entirety, the motion of defendant Federal Express Corporation ("FedEx") for partial summary judgment. On March 14, 2011, pro se plaintiff John A. Aretakis filed objections to the Report, and on March 22, 2011, FedEx filed its response thereto. Accordingly, the Court reviewed Aretakis' objections, FedEx's response, and the underlying record de novo. Having done so, the Court finds itself in complete agreement with the well-reasoned Report, which the Court hereby adopts by reference. Thus, for the reasons stated in the Report, the Court hereby grants FedEx's motion, and thereby dismisses, with prejudice, Aretakis' claims for negligence and for violation of Section 349 of New York General Business Law, and limits FedEx's liability with respect to Aretakis' breach of contract claim to \$100.

Moreover, because FedEx states in its response to Aretakis' objections that "[i]f Magistrate Judge Fox's [Report] is accepted,

[FedEx] will concede its liability to be limited to \$100 and will pay Plaintiff that amount rather than ask for a trial on the merits," the Court hereby directs the Clerk of the Court to enter final judgment against FedEx for \$100.00 and to close the case.

SO ORDERED.

Dated: New York, NY  
March 25, 2011

  
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JED S. RAKOFF U.S.D.J.